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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 RAUL LOPEZ, JR.,

9 Plaintiffs,

10 v.

11 UNITED STATES SECRET SERVICE,

12 Defendant.
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Case No. C15-0243RSL

ORDER DENYING MOTION TO
DISMISS AND EXTENDING TIME
FOR SERVICE

14 This matter comes before the Court on the “United States’ Motion to Dismiss for
15 Insufficiency of Service.” Dkt. # 34. The parties agree that this Court may, in its discretion,
16 extend the prescribed time period for service of the complaint and summons even in the absence
17 of good cause. Fed. R. Civ. P. 4(m). Having reviewed the record in this matter and the papers
18 submitted by the parties, the Court finds that an additional thirty-day extension of the service
19 deadline is appropriate. The Court has considered the passing of the statute of limitations,
20 plaintiff’s efforts to affect service within the periods established by the Federal Rules of Civil
21 Procedure and the Court’s orders, the length of the delay, defendant’s inability to identify any
22 actual prejudice,¹ the agency’s notice of the lawsuit, and the technical nature of the remaining
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24 ¹ The United States makes the abstract argument that a delay in prosecuting the case will result in
25 fading memories and difficulty in mounting a defense to plaintiff’s claims. Only the Secret Service, as
26 the agency involved, has percipient witnesses, and it was served with the complaint no later than
February 2016.

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1 service defect. Although the length of the delay in this case is extraordinary, the balance of the
2 relevant factors favors an extension of time in order to serve the Attorney General of the United
3 States (the other two government entities having already been served).

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5 For all of the foregoing reasons, defendant's motion to dismiss is DENIED. Plaintiff shall
6 have thirty days from the date of this Order to serve the Attorney General and to file proof of
7 service in the docket.

8 Dated this 4th day of December, 2017.

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12 Robert S. Lasnik
13 United States District Judge
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